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***SURFACE TRANSPORTATION BOARD***

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

May 3, 2007

Don L. Klima, Director  
Advisory Council on Historic Preservation  
Office of Planning and Review  
1100 Pennsylvania Avenue, NW, Suite 809  
Washington DC 20004

**Re: STB Docket No. AB-6 (Sub-No. 438X), BNSF Railway Co. - in  
Morrison County, MN; Completion of Section 106 process**

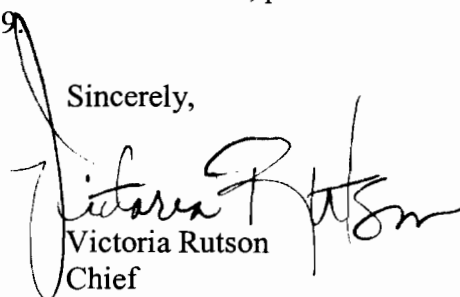
Dear Mr. Klima:

In this proceeding, BNSF Railway Co. (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) seeking approval authority to abandon and discontinue service over a .58-mile railroad line in Morrison County, Minnesota. The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (16 U.S.C. 470f) (NHPA).

I am writing to notify you that SEA has executed a Memorandum of Agreement (MOA) with the Minnesota Historical Society (State Historic Preservation Office) and BNSF to resolve any adverse effects to historic properties for the proposed undertaking pursuant to 36 CFR 800.6(b)(i)(iv). An original signed MOA is included for your files, and the filing of this document with the Council completes our compliance responsibilities under Section 106 of the NHPA.

If you have any questions or require additional information, please do not hesitate to contact me or Christa Dean at (202) 245-0299.

Sincerely,



Victoria Rutson  
Chief

Section of Environmental Analysis

Enclosure

Cc: Dennis Gimmestad, Minnesota SHPO  
Sidney L. Strickland, Jr., BNSF Railway Co.

## **MEMORANDUM OF AGREEMENT**

### **BETWEEN THE SURFACE TRANSPORTATION BOARD, THE BNSF RAILWAY COMPANY, AND THE MINNESOTA HISTORICAL SOCIETY**

#### **REGARDING AB-6 (SUB-NO 438X) BNSF RAILWAY COMPANY - ABANDONMENT EXEMPTION - IN MORRISON COUNTY, MINNESOTA**

**WHEREAS**, on March 27, 2006, BNSF Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon an approximately .58-mile rail line between BNSF milepost 113.44 and BNSF milepost 114.02, in Morrison County, Minnesota, in STB Docket No. AB-6 (Sub-No. 438X); and

**WHEREAS**, in a decision served on May 15, 2006, the Board imposed a condition for the proposed abandonment that requires BNSF to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or that are listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. In addition, the Board made it clear that BNSF must not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition; and

**WHEREAS**, based on consultation with the Minnesota Historical Society (State Historic Preservation Office or SHPO), the Board's Section of Environmental Analysis (SEA) determined that the line is eligible for listing on the National Register of Historic Places under Criterion A, for its association with events that have made a significant contribution to the broad patterns of our history. The line is significant in Minnesota railroad history because it was part of the Brainerd Branch of the Northern Pacific Railroad, which provided a critical connection to St. Paul, the hub of railroad traffic in Minnesota in the late nineteenth century; and

**WHEREAS**, it was discovered that the track materials had already been salvaged and the right-of-way sold to the Minnesota Department of Transportation (Minnesota DOT) for a road improvement project involving Trunk Highway 371, several years prior to filing the Notice of Exemption, Environmental Report, and Historic Report with the Board and other Federal and state agencies;<sup>1</sup> and

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<sup>1</sup> The Federal Highway Administration previously reviewed the Trunk Highway 371 project pursuant to Section 106 and developed a Memorandum of Agreement with the SHPO, Minnesota DOT, and the U.S. Army Corps of Engineers in April 2002 (2002

**WHEREAS**, the Board has consulted with the SHPO pursuant to 36 CFR Part 800, and has determined that the proposed abandonment will have an adverse effect on the above mentioned historic resource; and

**WHEREAS**, the Board has consulted with the SHPO and BNSF pursuant to 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate potential effects to the historic resource as a result of abandonment and disposition of BNSF's assets and all have determined that no such measures are necessary;

**NOW THEREFORE**, the Board, BNSF, and SHPO agree that the execution of this Memorandum of Agreement (MOA) by the parties hereto and its subsequent submission to the Advisory Council on Historic Preservation (ACHP) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the ACHP for purposes of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the ACHP an opportunity to comment on the proposed action relating to the line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321-43 (NEPA), requires the Board to consider the environmental consequences of actions such as its authorization of the abandonment of railroad lines. In conducting the environmental review in abandonment cases, the Board looks at the anticipated impacts of the abandonment proposal before the agency, such as the potential environmental impacts of diversion of traffic from rail to other modes and of salvage, that is, removing the track and related structures.

In light of the timing of salvage and sale of the rail line prior to Board approval, BNSF has voluntarily agreed to provide historic preservation training to staff involved with BNSF railroad abandonment projects. This one-day training course is scheduled for April 3, 2007, and will educate BNSF staff regarding the Section 106 historic preservation process under the NHPA. BNSF will ensure that staff involved with railroad abandonment projects will attend this historic preservation training. The training selected by BNSF has been approved by SEA.

This agreement shall be in effect until completion of its terms.

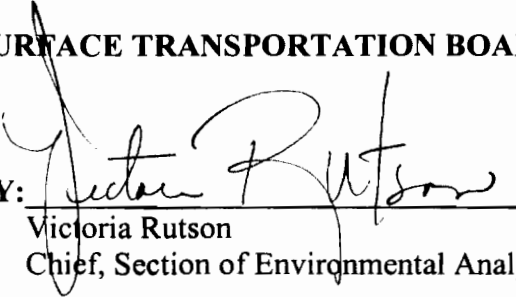
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MOA); however, the SHPO has indicated that the 2002 MOA does not pertain to the .58-mile segment of rail line that is the subject of this proposed abandonment.

**ACCEPTED AND AGREED**

**SIGNATORY PARTIES:**

**SURFACE TRANSPORTATION BOARD**

BY:   
Victoria Rutson  
Chief, Section of Environmental Analysis

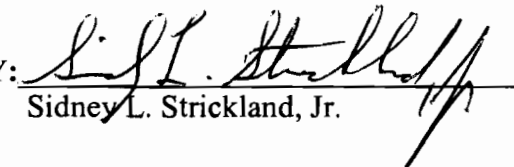
DATE: Feb. 6, 2007

**MINNESOTA HISTORICAL SOCIETY**

BY:   
State Historic Preservation Officer

DATE: 4/18/07

**THE BNSF RAILWAY COMPANY**

BY:   
Sidney L. Strickland, Jr.

DATE: 2/5/2007